

REMARKS

Examiner Hylton has advised the applicants' representative that the Reply filed on July 24 (sic), 2002 was not fully responsive to the prior Office Action because there is allegedly no traversal of the rejection of claim 21 under 35 U.S.C. § 103(a).

The applicants, through their undersigned representative respectfully disagree with the Examiner's assertion. Specifically, the Examiner is directed to the third paragraph on page 2 of the Amendment and Response filed on July 19, 2002 stating as follows:

Claims 11 and 17 through 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bilewitz in view of Knight. Claim 21 has also been rejected under 35 U.S.C. § 103(a) in view of the above references and further in view of Nergard. *The rejection under Section 103 is traversed.* (Emphasis added).


Thus, it is believed that the rejection of claim 21 under 35 U.S.C. § 103 has been traversed as cited above. In addition, it is noted that claim 21, as originally filed has not been amended, and depends from claim 20, which itself depends from independent claim 11. The applicant, through its undersigned representative has argued extensively on pages 2-4 that the rejection of independent claim 11, and the claims which depend therefrom should be allowed as follows: "Therefore, Claim 11, and the claims which depend therefrom, should be allowed and the rejection under 35 U.S.C. § 103(a) rescinded." (July 19, 2002 Amendment and Response, page 4). Furthermore, the rejection of dependent claims 17-20 has further been argued independently of the rejection of independent claim 11 from which they depend on that same page. Thus, claim 21, which ultimately depends from independent claim 11 would be allowed if the rejection of either independent claim 11, or dependent claim 20 is rescinded. The fact that the applicant has not chosen to separately argue the allowance of dependent claim 21 other than its dependency on arguably allowable claims does not render the July 17, 2002 Amendment and Response not fully responsive in accordance with 37 C.F.R. § 1.111.

The Examiner is invited to contact the applicants' representative at the below identified telephone number to resolve any remaining issues.

Respectfully submitted,

Michelle J. Pillers et al.

SEED Intellectual Property Law Group PLLC



Michael J. Folise

Registration No. 31,952

MJF:alb

Enclosure:

Postcard

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

730126.401/332353_1